

**IN THE UNITED STATES BANKRUPTCY COURT FOR THE
WESTERN DISTRICT OF PENNSYLVANIA**

IN RE:

PHYLLIS J. HANEY,

Bankruptcy No. 18-22636-TPA

Debtor.

Chapter 11

PHYLLIS J. HANEY,

Document No.

Movant,

Related to Doc. Nos. 162 , 216, 243

vs.

**Hearing Date and Time:
May 30, 2019 at 11:30 a.m.**

**FRYE TRANSPORTATION GROUP, INC.;
THE BANK OF NEW YORK MELLON f/k/a
THE BANK OF NEW YORK as Trustee for
the Benefit of Certificateholders of the
CWABS, Inc. Asset-Backed Certificates,
Series 2006-SD4; WILMINGTON SAVINGS
FUND SOCIETY, FSB, d/b/a Christiana
Trust, as Indenture Trustee for the CSMC
2017-1 Trust, Mortgage-Backed Notes,
Series 2017-1; NATIONAL BANK
ASSOCIATION, as Trustee, successor
in interest to Wachovia Bank, N.A., as
Trustee for Park Place Securities, Inc.,
Asset-Backed Pass-Through Certificates,
Series 2004-WWF1; DEUTSCHE BANK
NATIONAL TRUST COMPANY, as Trustee,
on Behalf of the Holders of the Soundview
Home Loan Trust 2005-1 Asset-Backed
Certificates, Series 2005-1; STRASSBURGER,
MCKENNA, GUTNICK and GEFSKY; BRADY'S
RUN SANITARY AUTHORITY; INTERNAL
REVENUE SERVICE; COMMONWEALTH OF
PENNSYLVANIA DEPARTMENT OF REVENUE;
BEAVER COUNTY TAX CLAIM BUREAU,**

Respondents.

**REVISED CONSENT ORDER CONFIRMING SALE OF PROPERTY
FREE AND DIVESTED OF LIENS**

AND NOW, this 8th day of July, 2019 on consideration of the Phyllis J. Haney, Debtor, the *Motion for Sale of Property Free and Divested of Liens* to Frye Transportation Group, Inc., 345 Ridgemont Drive, Midland, PA 15059 for \$241,124.31, of which \$119,500.00 has been paid to the Debtor pursuant to the lease, leaving a remaining balance due at closing of \$ 121,624.31, after hearing held in Courtroom D, 54th Floor, 600 Grant Street, Pittsburgh, PA this date, the Court finds:

(1) That service of the Notice of Hearing and Order setting hearing on said Motion for private sale of real property free and divested of liens of the above named Respondents, was effected on the following secured creditors whose liens are recited in said Motion for private sale, viz:

DATE OF SERVICE

NAME OF LIENOR AND SECURITY

March 28, 2019

Frye Transportation Group, Inc.
*(Possessory interest pursuant to
Commercial Lease Agreement)*

March 28, 2019

The Bank of New York Mellon f/ka
The Bank of New York as Trustee for
The Benefit of Certificateholders of the
CWABS, Inc. Asset-Backed Certificates,
Series 2006-SD4
(assigned mortgage)

March 28, 2019

Wilmington Savings Fund Society, FSB
d/b/a Christiana Trust, as Indenture
Trustee, for the CSMC 2017-1 Trust,
Mortgage-Backed Notes, Series 2017-1
(assigned mortgage)

March 28, 2019

U.S. National Associates, as Trustee
Successor in Interest to Wachovia Bank,
N.A., as Trustee for Park Place
Securities, Inc. Asset-Backed Pass-
Through Certificates, Series
2004-WWF 1
(assigned mortgage)

March 28, 2019

Deutsche Bank National Trust
Company, as Trustee, on behalf of the
Holders of the Soundview Home Loan
Trust 2005-1 Asset-Backed Certificates,
Series 2005-1
*(duplicate mortgage of U.S. National
Bank referenced above)*

March 28, 2019	Strassburger McKenna Gutnick and Gefsky (<i>mortgage</i>)
March 28, 2019	Brady's Run Sanitary Authority (<i>judgment</i>)
March 28, 2019	Internal Revenue Service (<i>Federal Tax Lien</i>)
March 28, 2019	Commonwealth of Pennsylvania Department of Revenue (<i>judgment</i>)
March 28, 2019	Beaver County Tax Claim Bureau (<i>interested party</i>)

(2) That sufficient general notice of said hearing and sale, together with the confirmation hearing thereon, was given to the creditors and parties in interest by the moving party as shown by the certificate of service duly filed and that the named parties were duly served with the Motion.

(3) That said hearing was duly advertised in Beaver County Legal Journal on May 18, 2019 and in the Beaver County Times on May 13, 2019, as shown by the Proof of publications duly filed.

(4) That at the sale hearing the highest/best offer received was that of the above Purchase(s) and two objections to the sale were made which would result in cancellation of said sale. These objections have since been resolved.

(5) That the price of \$241,124.31 offered by Frye Transportation Group, Inc. was a full and fair price for the property in question.

(6) That the Purchaser(s) has/have acted in good faith with respect to the within sale in accordance with *In re Abbotts Dairies of Pennsylvania, Inc.*, 788 F2d. 143 (3d Cir. 1986).

Now therefore, **IT IS ORDERED, ADJUDGED AND DECREED** that the sale by Special Warranty deed of the two (2) real properties described as follows:

- a.) 902 Western Avenue, Beaver, Pennsylvania, Tax Parcel No. 55-032-0100.001, and
- b.) 1405 8th Avenue, Beaver, Pennsylvania, Tax Parcel No. 55-032-0101.000.

are hereby **CONFIRMED** to Frye Transportation Group, Inc., 345 Ridgemont Drive, Midland, PA 15009 for \$241,124.31, of which \$119,500.00 has been paid to the Debtor pursuant to the lease, leaving a remaining balance due at closing of \$ 121,624.31, free and divested of the above recited liens and claims, and, that the Movant is authorized to make, execute and deliver to Purchaser(s) above named the necessary deed and/or other documents required to transfer title to the property purchased upon compliance with the terms of sale;

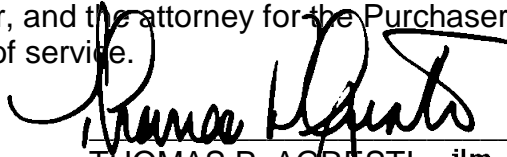
IT IS FURTHER ORDERED, that the above recited liens and claims be, and they hereby are transferred to the proceeds of sale, if and to the extent they may be determined to be valid liens against the sold property, that the within decreed sale shall be free, clear and divested of said liens and claims;

FURTHER ORDERED, that the following expenses/costs shall immediately be paid at the time of closing. *Failure of the Closing Agent to timely make and forward the disbursements required by this Order will subject the closing agent to monetary sanctions*, including among other things, a fine or the imposition of damages, after notice and hearing, for failure to comply with the above terms of this Order. Except as to the distribution specifically authorized herein, all remaining funds shall be held by Counsel for Movant pending further Order of this Court after notice and hearing.

- (1) The following lien(s)/claim(s) and amounts:
Deutsche Bank National Trust Company, as Trustee, on behalf of the Holders of the Soundview Home Loan Trust 2005-1 Asset-Backed Certificates, Series 2005-1: \$103,215.31;
- (2) Delinquent real estate taxes, if any; \$15,000.00; all other delinquent real estate taxes, if any, will be paid by the sale of other properties
- (3) Current real estate taxes, pro-rated to the date of closing;
- (4) The costs of local newspaper advertising in the amount of \$918.00;
- (5) The costs of legal journal advertising in the amount of \$310.00;
- (6) The Court approved realtor commission in the amount of \$N/A;
- (7) Attorney fees to Robert O Lampl, Counsel of the Debtor, to be held in escrow pending further Order of Court approving attorney's fees, in the amount of \$2,000.00;
- (8) The balance of funds realized from the within sale shall be held by the Attorney for the Movant until further Order of Court, after notice and hearing; and,
- (9) Other: \$181.00 to Counsel of Debtor for cost of filing this Sale Motion and Order.

FURTHER ORDERED that:

- (1) Closing shall occur within thirty (30) days of this Order and, within five (5) days following closing, the Movant shall file a report of sale which shall include a copy of the HUD-1 or other Settlement Statement;
- (2) This Sale Confirmation Order survives any dismissal or conversion of the within case; and,
- (3) ***Within five (5) days of the date of this Order***, the Movant shall serve a copy of the within Order on each Respondent (i.e., each party against whom relief is sought) and its attorney of record, if any, upon any attorney or party who answered the motion or appeared at the hearing, the attorney for the debtor, the Closing Agent, the Purchaser, and the attorney for the Purchaser, if any, and file a certificate of service.



THOMAS P. AGRESTI jlm
United States Bankruptcy Court Judge

CONSENTED TO BY:

/s/ Sy O. Lampl

Sy O. Lampl
Counsel for the Debtor

/s/ Jodi Hause

Jodi Hause
Counsel for the Deutsche Bank National
Trust Company, as Trustee, on behalf of
the Holders of the Soundview Home
Loan Trust 2005-1 Asset-Backed
Certificates, Series 2005-1

/s/ J. Philip Colavincenzo

J. Philip Colavincenzo
Counsel for Frye Transportation Group,
Inc.

/s/ Robert J. Taylor

Robert J. Taylor
Counsel for Beaver County Tax Claim
Bureau